IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 21787 of 2007(R)

PETITIONER:

M.S.BALASUBRAMANIAN, S/O.SANKARAN,
MOOTHEDATH PARAMBIL HOUSE, P.O.VIYYUR,
THRISSUR DISTRICT, C.I. OF POLICE (RETIRED),
VALAPPAD, THRISSUR DISTRICT.

BY ADV. SRI.JIJO PAUL.

RESPONDENTS:
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1. **THE SECRETARY,**
   DEPARTMENT OF HOME AFFAIRS,
   GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. **THE DIRECTOR GENERAL OF POLICE,**
   KERALA, THIRUVANANTHAPURAM.

3. **THE SUPERINTENDENT OF POLICE, THRISSUR.**

BY GOVT. PLEADER SRI. BIJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 21787 OF 2007-R

JUDGMENT

The petitioner was a Circle Inspector of Police. He was placed under suspension by Ext.P1 order dated 5.2.2004. Later, he was reinstated in service on 18.12.2004. He submitted Ext.P2 representation for early finalisation of the proceedings against him. Thereafter, he moved this Court by filing W.P.(C) No.33683/2006. The said writ petition was disposed of on 21.2.2007, recording the submission of the Government Pleader that the Government have not made up its mind as to whether departmental action should be taken against the petitioner. Later, on the eve of his retirement, he has been served with Ext.P6 Government order dated 17.4.2007, informing him that it is proposed to hold an oral enquiry into the allegations against him. This writ petition is filed, challenging Ext.P6, on the ground that disciplinary enquiry as contemplated under Rule 6 of the Kerala Police Departmental Inquiries, Punishment and Appeal Rules, 1958, can be held only against a member of the service. The petitioner has already retired from service. Therefore, further proceedings pursuant to Ext.P6 are unauthorised, it is submitted.

2. But, Rule 3 of Part III, K.S.R enables the competent authority to continue the proceedings already initiated before the retirement of the employee for the purposes provided in that rule. It is true, no punishment in the form of barring increment, removal from service etc., can be imposed on him. But, the proceedings can be validly continued for the purpose of Rule 3 of Part III, K.S.R. Therefore, the challenge against Ext.P6 fails. The respondents will try to expedite and complete the proceedings against the petitioner without delay. Subject to that direction the Writ Petition is dismissed.

16th July, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/